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Foundation dba Greater Palm Springs
Convention and Visitors Bureau

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION**

LISA CORSON,

Plaintiff,

v.

GREATER PALM SPRINGS
TOURISM FOUNDATION dba
GREATER PALM SPRINGS
CONVENTION AND VISITORS
BUREAU

Defendant.

Case No.: 5:22-cv-00736-SPG-PVC

JOINT RULE 26(F) REPORT

JOINT REPORT PURSUANT TO F.R.C.P. RULE 26(f)

This *Joint Report Pursuant to F.R.C.P. Rule 26(f)* is submitted by
Plaintiff LISA CORSON (“Gomez” or “Plaintiff”) and Defendant GREATER
PALM SPRINGS TOURISM FOUNDATION dba GREATER PALM

1 SPRINGS CONVENTION AND VISITORS BUREAU (“GPSTF” or
2 “Defendant”).

3 The counsel for Plaintiff and for Defendant conferred on August 31,
4 2022, as required under the Federal Rules of Civil Procedure (“FRCP”) Rule
5 26(f) and Local Rule L.R. 26-1, and this Court’s Scheduling Order.

6 Plaintiff and Defendant, through their respective counsel of record,
7 hereby submit this *Joint Report* prepared pursuant to FRCP Rule 26(f)
8 following their conference, as follows:

9 **1. Statement of the Case:**

10 a. Plaintiff:

11 Corson is an editorial and commercial photographer based in Kansas
12 City, and her strong background as a photo editor for Spin, New York
13 Magazine and Wall Street Journal give her a unique insight into production, art
14 directing, and client needs. Her travel photography, which often depict the
15 American West and Southern California, can be found in the pages of Sunset
16 Magazine, Bon Appetit, and Los Angeles Magazine. Corson is a frequent
17 contributor to The Wall Street Journal, photographing luxury and celebrity
18 homes and portraits for their Mansion section. She previously spent over a
19 decade honing her eye as a photo editor for publications including New York
20 Magazine, Art+Auction, and The Wall Street Journal. Corson's clients include
21 J. Walter Thompson, Grand Marnier, Bon Appetit, Los Angeles Magazine,
22 Hemispheres, House & Garden, Country Living, San Francisco Magazine, Palm
23 Springs Tourism Bureau, Simon & Schuster, Spin, and others.

24 In 2013, Corson created a photograph entitled
25 “LisaCorson_Palm_Springs-8662”. Corson registered the Work with the
26 Register of Copyrights on May 11, 2016 and was assigned the registration
27 number VA 2-003-666.
28

1 Corson alleges that Defendant copied Corson's copyrighted Work from
2 the internet in order to advertise, market and promote its business activities.
3 Defendant committed the violations alleged in connection with Defendant's
4 business for purposes of advertising and promoting the sale of goods and
5 services as part of its Greater Palm Springs tourism business.

6 On a date after the Work at issue in this action was created, but prior to
7 the filing of this action, Defendant copied the Work. Defendant has never been
8 licensed to use the Work at issue in this action for any purpose. Defendant
9 copied Corson's copyrighted Work without Corson's permission. Corson never
10 gave Defendant permission or authority to copy, distribute or display the Work
11 at issue in this case.

12 b. Defendant:

13 In approximately 2015, the Palm Springs Bureau of Tourism and several
14 partners were sued by photographer Lisa Corson for unauthorized use of
15 photography. The parties settled the matter with a full release of liability related
16 to the use of the photographs. At the time, Bureau staff communicated with the
17 Convention and Visitor's Bureau staff to remove any and all of Ms. Corson's
18 photography, both from the front end and back end of their websites to insure
19 that all photography had been removed from the GPSCVB website.

20 The PS Bureau of Tourism received notice of an alleged infringing use of
21 Ms. Corson's photography in September 2019. The photo was not a newly
22 posted work but was from the works that were the subject of the prior dispute.
23 GPSCVB updated its website in approximately 2018, and in the process it
24 uploaded information from the prior site. GPSCVB did not have the Corson
25 photo in its image library and does not know the source of the image. It was
26 attached to a prior event. Upon receiving notice that the image was posted,
27 GPSCVB removed it from its site.

1 **2. Subject Matter Jurisdiction:**

2 This is an action arising under the Copyright Act, 17 U.S.C. § 501. This
3 Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§
4 1331 and 1338(a).

5 **3. Legal Issues:**

6 a. Plaintiff:

- 7 i. Whether Plaintiff owns a valid copyright in the Work;
8 ii. Whether Defendant copied, displayed, or distributed
9 Plaintiff's Work; and
10 iii. Plaintiff's Damages

11 b. Defendants:

- 12 i. The issues listed above
13 ii. Whether the image at issue was the subject of a prior
14 release and settlement

15 **4. Parties, Evidence, Etc.**

16 a. Plaintiff:

17 i. Parties:

- 18 1. Lisa Corson, individual.

19 ii. Witnesses:

- 20 1. Lisa Corson, Plaintiff; and
21 2. Corporate Representative of GPSTF.

22 iii. Documents:

- 23 1. Documents showing the infringement of
24 Plaintiff's Work;
25 2. Copyright Registration; and
26 3. Defendant's response to Plaintiff's Written
27 Discovery.
28

b. Defendants:

i. Parties:

1. Plaintiff Lisa Corson
2. Defendant's Representative, William Judson

ii. Witnesses

1. Lisa Corson
2. William Judson
3. Collen Pace
4. Mary Jo Ginther

iii. Documents

1. Images of the subject work
2. Copyright registration
3. Prior Settlement and Release
4. Plaintiff's responses to written discovery

5. Damages:

a. Plaintiff: Plaintiff will seek either actual damages and Defendants' profits pursuant to 17 U.S.C. 504(b) or Plaintiff will elect to seek statutory damages of \$750-\$30,000 for copyright infringement pursuant to 17 U.S.C. 504(c)(1) or up to \$150,000 if the infringement is found to be willful pursuant to 17 U.S.C. 504(c)(2).

6. Insurance:

Defendant has submitted the claim to its insurer who is evaluating the claim.

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1 **7. Motions:**

2 a. **Procedural Motions:**

3 i. Plaintiff:

4 Plaintiff may have to add other parties and amend its complaint following
5 discovery in the event she learns of additional parties or usage of additional
6 copyrighted Works.

7 ii. Defendant:

8 Defendant does not anticipate any procedural motions.

9 b. **Dispositive Motions:**

10 i. Plaintiff:

11 Plaintiff intends to file a Motion for Summary Judgment after completion
12 of discovery.

13 ii. Defendant:

14 Defendant does not anticipate any dispositive motions.

15 c. **Class Certification Motions:** N/A. This is not a Class

16 Action Matter.

17 **8. Manual for Complex Litigation:** Parties do not believe the
18 procedures of the Manual for Complex Litigation should be utilized.

19 **9. Discovery:** At the time of filing this report, Parties have not yet
20 engaged in discovery.

21 a. **Status of Discovery:**

22 Parties have not begun discovery. Plaintiff is currently in the process of
23 preparing written discovery requests for Defendant.

24 The parties do not believe that complex or specialized electronic discovery
25 methods or tools (such as “data mining” techniques) will be required in order to
26 carry out discovery of electronically stored documents contemplated by the
27 parties. The parties agree to claw back any privileged documents. The parties will
28 take discovery on Plaintiffs’ claims of liability and damages and Defendants’

1 defenses. The parties do not believe any changes or limitations on discovery
2 should be made.

3 **b. Discovery Plan:**

4 **i. Plaintiffs:**

5 Plaintiff believes a deposition of Defendants pursuant to FRCP 30(b)(6)
6 will be needed. Additional deponents will likely be identified at that deposition.
7 Plaintiff anticipate serving discovery on Plaintiff regarding Defendant's claims
8 and defenses.

9 **ii. Defendants:**

10 Defendant anticipates taking the Plaintiff's deposition and propounding
11 written discovery.

12 **c. Discovery Cut-off:** The Parties propose to complete
13 discovery as set forth in the Parties' [Proposed] Schedule of Pretrial and Trial
14 Dates Worksheet attached as **Exhibit A** to this order.

15 **d. Expert Discovery:** The Parties propose to complete
16 discovery as set forth in the Parties' [Proposed] Schedule of Pretrial and Trial
17 Dates Worksheet attached as **Exhibit A** to this order.

18 **i. Plaintiffs:**

19 Plaintiff anticipates needing at least one expert on the issue of damages.
20 Plaintiff may also need an expert regarding liability as well.

21 **ii. Defendants:**

22 Defendants anticipate retaining an expert on the issue of damages.

23 **e. Settlement Conference/ADR:** Parties agree to ADR
24 Procedure No. 2, Mediation in front of a mediator from the Court's mediation
25 panel.

26 **f. Trial:**

27 **i. Trial Estimate:** 3-5 Days.

28 **ii. Jury or Court Trial:** Jury Trial.

1 iii. **Consent to Trial Before Magistrate:** Parties do not
2 Consent to Trial Before Magistrate.

3 iv. **Lead Trial Counsel:**

4 1. **Plaintiff:** Jonah Grossbardt

5 2. **Defendant:** Shaun Murphy

6 g. **Independent Expert or Master:** The Parties do not believe
7 an Independent Expert or Master is necessary in this matter.

8 h. **Other Issues:** The Parties do not believe there are any other
9 special issues that will affect this matter.

10
11 **[Attached as Exhibit A is the Proposed Schedule of Pretrial and Trial**
12 **Dates Worksheet]**

13
14 DATED: September 7, 2022

15
16 /s/ Jonah A. Grossbardt
17 JONAH A. GROSSBARDT
18 MATTHEW L. ROLLIN
19 **SRIPLAW**

Attorneys for Plaintiff Lisa Corson

/s/ Shaun M. Murphy
SHAUN M. MURPHY
SLOVAK BARON EMPEY
MURPHY & PINKNEY LLP
Attorneys for Defendant Greater Palm
Springs Tourism Foundation dba
Greater Palm Springs Convention and
Visitors Bureau

ECF ATTESTATION

I, Jonah A. Grossbardt, attest that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing in accordance with Civil Local Rule 5-4.3.4(a)(2)(i).

DATED: September 7, 2022

/s/ Jonah A. Grossbardt

JONAH A. GROSSBARDT

MATTHEW L. ROLLIN

SRIPLAW

Attorneys for Plaintiff